

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	<b>Criminal Case No. 6:13cr00022-11</b>
	)	
<b>v.</b>	)	<b>2255 MEMORANDUM OPINION</b>
	)	
<b>RONNIE EDWARD CUPP,</b>	)	<b>By: Norman K. Moon</b>
<b>Petitioner.</b>	)	<b>United States District Judge</b>

Petitioner Ronnie Edward Cupp, proceeding *pro se*, filed a motion to vacate, set, aside, or correct sentence pursuant to 28 U.S.C. § 2255, challenging the validity of his criminal sentence. The Federal Bureau of Prisons informed the court that Cupp died on January 4, 2017. When changes occur during the course of litigation that eliminate the petitioner's interest in the outcome of the case or the petitioner's need for the requested relief, the case must be dismissed as moot. *See Powell v. McCormack*, 395 U.S. 486, 496 (1969). This case is now moot because Cupp died. *See, e.g., Hailey v. Russell*, 394 U.S. 915 (1969); *Eakes v. McCall*, 533 F. App'x 268 (4th Cir. 2013). Accordingly, I conclude that Cupp's § 2255 motion must be dismissed without prejudice.

**ENTER:** This 25th day of January, 2017.

  
\_\_\_\_\_  
NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE